



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/100,100 | 06/19/1998 | JAMES E. ROSS JR. | RLIS | 8195 |

7590 12/24/2001

MARK JOY
LEYDIG, VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA
SUITE 4900
CHICAGO, IL 60601-6780

EXAMINER

KANOF, PEDRO R

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 12/24/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.
09/100,100

Applicant(s)
Ross, Jr.

Examiner
KANOF

Art Unit
2164



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 29, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-29 and 37-65 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-29 and 37-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Art Unit: 2164

DETAILED ACTION

Claim Rejections - 35 USC § 102

1 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 25-27, 37-39, 42-45, 51, 55, 56 and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by AMADO (PCT WO 96/27837).

Claims 25 and 37: Amado discloses a method of medical language generation from data, comprising storing sentences and phrases related to medical data in peripheral CPU's, inputting patient data, transferring patient data to file servers and tabling patient data, transferring the tabled patient data to the CPU's and compiling sentences and paragraphs in the CPU's from the stored sentences and phrases and the patient data, whereby stored medical facts are converted into sentence structure (Page 2, lines 20-28, Page 3, lines 1-15, Page 4, lines 1-20, Page 35, line 26- page 37, line 11).

Art Unit: 2164

Claims 26 and 38: Amado discloses the method of claim 25, further comprising the rearrangement of medical facts in the sentence structure into a medically appropriate order (Page 4, lines 21-30 and Abstract).

Claims 27 and 39: Amado discloses the method of claim 26, further comprising the automatic consolidation of automatically generated medical English text with patient-related stored text (such as dictated transcripts) (Page 5, lines 10-17).

Claims 42 and 55: Amado discloses a method and a system for computer-aided generation of patient medical documentation assembled from a combination of sources including user supplied text, system supplied pre-phrased text retrieved from a database in accordance with a specified pre-phrased text identifier, and text generated from input medical data facts, said method comprising the steps of:

associating multiple pieces of information regarding a patient with a patient medical information record, the multiple pieces of medical information, comprising:

input text of the type generally arising from transcribed dictation,

pre-phrased text retrieved from an electronic data storage apparatus and associated with a pre-phrased text identifier, and

medical data facts (Page 7, lines 6-20),

wherein inputs relating to the multiple pieces of information regarding the patient are received by a medical information input interface providing random access to at least one of a set of medical information fields associated with the patient medical information record,

Art Unit: 2164

receiving an identification of a patient medical document type; and
generating, by a computer system under software control, a patient medical document based upon at least a portion of the multiple pieces of information regarding the patient and an information specification corresponding to the patient medical document type identification that specifies the portion of the multiple pieces of information to be included in the patient medical document, said generating step comprising, in any order:

first inserting the input text at locations within the patient medical document in accordance with a text type associated with each distinguished portion of the input text (Page 7, lines 21-33),

second inserting text corresponding to the pre-phrased text retrieved from an electronic data storage apparatus (Page 8, line 21-page 9, line 9), and

third inserting text generated in accordance with the medical data facts (Page 33, line 29-page 34, line 9).

Claim 43: Amado discloses a method of claim 42 wherein the text generated in accordance with the medical data facts is generated in accordance with a medically logical sequence (Page 8, lines 1-20 and page 40, line 5-page 41, line 20).

Claim 44: Amado discloses a method of claim 42 wherein the step of generating a patient medical document further comprises generating heading text in accordance with the patient medical document type designation (Page 45, line 5-page 47, line 19).

Art Unit: 2164

Claims 45 and 56: Amado discloses a method and a system of claims 42 and 55 wherein the step of generating a patient medical document further comprises arranging the multiple pieces of information regarding the patient in accordance with the medical document type designation (Page 9, lines 10-29, page 10, line 16-page 12, line 28).

Claim 51 and 62: Amado discloses a method and a system of claims 42 and 55 further comprising providing a set of selectively activated input modules facilitating prompted input of information relating to care for a patient (Page 9, line 30-page 10, line 15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 28, 29, 40, 41, 46, 48-50, 52-54, 57, 59-61 and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over AMADO (PCT WO 96/27837).

Claims 28, 29, 40 and 41: Amado discloses the method of claims 27, 39 and 41. However, Amado does not disclose the step of automatically insertion of headlines and sub headlines where appropriate nor the automatically using of bold, italic, and larger text sizes to

Art Unit: 2164

emphasize important medical sections or information. Official notice is taken that those steps are well known within the art to emphasize important information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps to emphasize important information. One would have been motivated to use this procedure in order to facilitate the reading of the patient medical document and to saving time in the medical decision process making.

Claims 46, 48, 49, 57, 59 and 60: Amado discloses the method and system of claims 42, 45, 55 and 56. However, Amado does not disclose that when the patient medical document is a patient medical report or the nurse notes that the text generated is medical text. Official notice is taken that those steps are well known within the art and are currently used in the day to day management and updating of patient records. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps to update the patient records. One would have been motivated to use this procedure in order to include inputs about the patient status from different professionals, with different relevance throughout the entire day.

Claims 50 and 61: Amado discloses the method and system of claims 42 and 55. However, Amado does not disclose the step of providing an editing tool to modify specified pre-phrased text. Official notice is taken that this step is are well known within the art and is currently used in the text processing art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use that step to modify specified

Art Unit: 2164

pre-phrased text. One would have been motivated to include modifying specified pre-phrased text in order to increase the flexibility in the text processing.

Claims 52- 54 and 63- 65: Amado discloses the method and system of claims 42 and 55. However, Amado does not disclose the steps of providing a security mechanism facilitating limiting access to particular users, recording a time at which a particular piece of information is submitted for a patient medical record, nor recording an identity of a logged on user that supplied a particular piece of information stored in the patient medical information record. Official notice is taken that those steps are well known within the art and are currently used in the security data processing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps to guarantee the patient's privacy. One would have been motivated to use this security procedures in order to minimize the risk of inappropriate diffusion of personal data.

5. Claims 47 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over AMADO (PCT WO 96/27837) in view of Tallman et al. (U.S. Patent No. 5,764,923).

Amado discloses the method and system of claims 45 and 56. However, Amado does not explicitly disclose wherein the patient medical document is a triage record. Tallman discloses such as step (Col. 11, lines 29-34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that one type of patient medical document could include a triage record. One would have been motivated to include a triage record as the patient

Art Unit: 2164

medica document in order to include all pertinent data in the case to provide the files support for diagnosis and therapeutic decisions.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Pedro R. Kanof whose telephone number is (703) 308-9552. The examiner can normally be reached on weekdays from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, can be reached on (703) 308-1065. The fax phone number for this Group is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PRK -12/14/01.


FRANTZY POINVIL
PRIMARY EXAMINER
Au 2164